

TESTIMONY OF
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DEMOCRACY, HUMAN RIGHTS AND LABOR BUREAU
DEPARTMENT OF STATE

BEFORE THE HOUSE INTERNATIONAL RELATIONS
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS
AND THE
SUBCOMMITTEE ON ASIA AND THE PACIFIC

ON

“WHAT DIRECTION FOR HUMAN RIGHTS IN BURMA?”

FEBRUARY 7, 2006

Chairman Smith, Chairman Leach, and Members of both Subcommittees,

I appreciate this opportunity to testify before this Committee. In fact, this is my first opportunity to present testimony to the Congress as Assistant Secretary of State for Democracy, Human Rights and Labor. I have great respect for this Committee's work, and for your leadership on behalf of men and women across the globe who, often against great odds and at great personal risk, advance freedom's cause. I look forward to working closely with this Committee and others in Congress in the months and years ahead.

During my confirmation hearing, I stated that I did not see defending human rights and promoting democracy as competing priorities. Each is integral to the President's Freedom Agenda. As President Bush said last week in his State of the Union address: "... more than half the people of our world live in democratic nations. And we do not forget the other half – in places like Syria and Burma, Zimbabwe, North Korea and Iran – because the demands of justice and the peace of this world require their freedom as well."

Advancing human rights and democracy are parts of the same whole. Burma is a case in point. In 1990, Burma held historic free and fair legislative elections, but the junta crushed the outcome and has proceeded ever since to violate the most basic human rights of its people. Only by Burma's return to the democratic path from which it was so cruelly wrenched can the fundamental rights of the Burmese people be fully realized.

Secretary Rice has described Burma's military junta as "one of the worst regimes in the world." The regime's cruel and destructive misrule has inflicted tremendous suffering on the Burmese people and has caused or exacerbated a host of ills for the entire Southeast Asian region, from large refugee outflows to the spread of HIV/AIDS and other infectious diseases, and the trafficking of drugs and human beings. In illustration of deepening discontent with the regime in the region, last year fellow member nations succeeded in obtaining the regime's agreement to forgo its turn as Chair of the Association for South East Asian Nations (ASEAN).

Burma's current government poses not only a moral challenge, but also a security concern, for its neighbors and the world.

For over 15 years, the Burmese regime has ignored the will of its people. The regime has flouted 28 successive resolutions adopted by the General Assembly and the UN

Commission on Human Rights calling on the regime to release political prisoners and engage in a dialogue with the opposition leading to national reconciliation. The junta rules by decree and is not bound by any constitutional provisions guaranteeing any fundamental freedoms. Forced labor, trafficking in persons, use of child soldiers and religious discrimination remain serious concerns. The military's abuse continues: rape, torture, execution and forced relocation, particularly of citizens belonging to ethnic minorities. The regime monitors citizens' communications, searches homes without warrants, and maintains iron-fisted control through the surveillance, harassment, and imprisonment of political activists.

There are an estimated 35 prisons and 70 labor camps, in which conditions are harsh and life-threatening. Prisoners are forced to rely on their families for food, clothing, and medical supplies. Political prisoners like Hkun Htun Oo and the nine other Shan leaders sentenced with him are increasingly being transferred to remote prisons away from their families. By the end of 2005, there were approximately 1,300 "security detainees," which include over 1,100 political prisoners. The Assistance Association for Political Prisoners – Burma (AAPP) released a report in December documenting the use of "brutal and systematic" torture by the regime. Based on the testimony of 35 former political prisoners, the report details physical, psychological, and sexual abuse of dissidents and identifies by name many of the perpetrators.

Although the junta released approximately 19,000 prisoners during two mass releases last year, most were common criminals. Only 361 political prisoners were released. Min Ko Naing, one of the most prominent leaders of the opposition, was among them. But arrests of pro-democracy activists, both ethnic Burman and minority, continue unabated and at least 144 activists were detained in 2005. Pro-democracy activists continue to die in custody, including Aung Hlaing Win, a thirty-year old National League for Democracy member arrested in May. Although the police informed his family that he died of a heart attack, the autopsy revealed he suffered from 24 injuries and bruises.

Just as it represses other aspects of life, the regime also systematically engages in religious repression. Though it promotes Buddhism over other religions, it tries to control the Buddhist clergy (Sangha) by imposing a code of conduct that is enforced by criminal penalties. Religious persecution is especially harsh for Muslim communities and for Christian communities in Chin state. Pursuant to The International Religious Freedom Act of 1998, we designated Burma as a Country of Particular Concern (CPC) in 2005 for the seventh consecutive year.

We remain deeply concerned about the continuing attacks on ethnic minorities, including renewed attacks last September on villages in the Karen and southern Karenni states. These military offensives are accompanied by forced relocation, rape, forced labor, murder, destruction of property, extortion, and loss of food stores and livestock. Non-Governmental Organizations (NGOs) in Thailand have compiled detailed documentation on the systematic rape by the Burmese army of women

belonging to ethnic minorities, including Shan, Karen, Mon, Karenni, Chin and Tavoyan women.

Forced labor also remains a serious concern. Citizens are routinely forced to work on construction and maintenance projects, and in military-industrialized zones. In 2000, the International Labor Organization (ILO) Conference instituted unprecedented sanctions on Burma, which remain in force. Due to Burma's total lack of progress on forced labor, in 2005 the ILO specifically asked all members to again "review the relations they may have with Burma and to take appropriate measure to ensure that Burma cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labor ..." The regime's use of forced labor in support of military garrisons or operations is particularly common in ethnic or religious minority regions. The ILO has corroborated UN High Commissioner for Refugees' reports of a "serious resurgence" in forced labor in Rakhine State, where the former Prime Minister had ordered the military to construct six new bridges.

In May, the ILO stopped accepting new cases documenting abuses in Burma because the regime indicated it would prosecute any person who made what the government deemed a "false claim." Relations between the ILO and the regime have reached a new low. The ILO Liaison received death threats and restrictions on ILO activities have increased. In October, the regime verbally stated its intention to withdraw from the ILO. The regime has not yet acted on the threat, but remains totally uncooperative. Political activist Ma Su Su Nway successfully prosecuted local officials from Kawhmu Township on forced labor charges in January of last year, but she was quickly countersued by another local official for "insulting and disrupting a government official on duty." Su Su Nway was sentenced to 18 months of imprisonment on October 13.

The State Department's report on Trafficking in Persons sheds further light on forced labor in Burma. Pursuant to the Trafficking Victims Protection Act of 2000, Burma has been designated a Tier 3 country – a country that fails to take significant actions to bring itself into compliance with the minimum standards for the elimination of trafficking. On September 21, 2005, President Bush renewed sanctions as required by that law. Trafficking of women and girls for sexual exploitation, factory labor, and as household servants continues unabated to Thailand and other countries, including China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Japan, and countries in the Middle East.

To escape the grim realities I have just described, many Burmese go into hiding in the jungles or cross into neighboring countries. The Internally Displaced Persons (IDP) and refugee flows are staggering. According to NGOs based in Thailand, there were over 500,000 IDPs in Burma at the end of 2005, and approximately 100-200 Burmese cross into Thailand every month. There are 140,000 recognized refugees from Burma in Thailand, and a total of 85,000 in Bangladesh, Malaysia, and India. However, hundreds of thousands of others have fled Burma but have not sought UNHCR refugee status.

The situation in Burma continues to deteriorate across all fronts. Ignoring what UN Under Secretary for Political Affairs Gambari has called a looming humanitarian crisis, the regime has again increased restrictions on UN agencies and humanitarian NGOs operating inside the country, including by limiting access to project sites and placing restrictions on residency permits and continuing to interfere with their activities.

The regime continues to tout its farcical ‘roadmap to democracy’ – a process predicated on the drafting of a constitution that would nullify the results of the legitimate 1990 elections – elections during which the pro-democracy National League for Democracy (NLD), followed by the Shan Nationalities League for Democracy (SNLD), won the majority of seats.

On January 31, the regime recessed the latest session of the National Convention which is to draft the new constitution. We view the process as lacking credibility since the regime handpicked delegates, barred the participation of the NLD and other pro-democracy parties and did not allow delegates to freely debate proposals. The regime also threatened to enforce harsh laws against any who criticized the National Convention or draft constitution. Three representatives of political parties were reportedly detained for giving radio interviews on the National Convention and were reminded that discussing the process was a violation of the law and risks a five- to twenty-year sentence.

Aung San Suu Kyi, Nobel Laureate and leader of the NLD, has been under house arrest without charge since September 2003 – the third time in the last fifteen years – and her detention was extended in November for an additional six months. She is held incommunicado with the outside world, except for two live-in staff, who are also effectively under house arrest. NLD Vice Chairman U Tin Oo also remains under house arrest without trial. Hkun Htun Oo, Chairman of the SNLD, and nine other Shan leaders were arrested in February and tried in secret in Insein prison. Hkun Htun Oo received two life sentences plus 53 years in prison.

In his August report to the UN General Assembly, UN Special Rapporteur on Human Rights in Burma Paulo Sérgio Pinheiro stated that “if the inherent procedural restrictions are not amended and the representatives of the democratic opposition are not involved in the National Convention, any constitution that emerges will lack credibility.” Rather than heed his recommendations, the regime instead has remained intransigent.

To make matters even worse, in November the regime abruptly moved Burma’s administrative capital to remote Pyinmana, ordering civil servants to relocate there without their families, and forcing foreign diplomats to move to the new capital by 2008. Until then, according to Burmese authorities, the government will be (quote) “unavailable.”

As former President of the Czech Republic Vaclav Havel, who co-commissioned with Nobel Laureate Archbishop Desmond Tutu the landmark report, "Threat to Peace: A Call for the UN Security Council to Act in Burma", has said: "Seemingly unshakable totalitarian monoliths are in fact sometimes as cohesive as proverbial houses of cards, and fall just as quickly. Continuing democratization of the whole region, together with growing dissent inside the country, must eventually have a positive effect."

Just as it did in Czechoslovakia and South Africa, one day the seemingly impossible will become the inevitable, and the men and women of Burma will realize their dream of freedom. And the Bush Administration is committed to helping the Burmese people reach that day.

It was the United States that spearheaded the international effort that resulted in a unanimous decision to request that the Secretary General or his representative brief the Security Council in informal consultations on the situation in Burma. On December 16, Under Secretary General Gambari, with Secretary General Annan participating, briefed the Council, the first such briefing by the UN Secretariat on Burma. We will push to keep up the momentum created by that unprecedented discussion.

UN Secretary General Kofi Annan has designated 2006 as the year for bringing about a transition to democracy in Burma, and we take that target very seriously. As Ambassador Bolton has said, "It's certainly the intention of the United States ... to continue advocating Security Council scrutiny and action." We will continue to press hard for further UN Security Council discussion and action on Burma. We will also continue to support strong resolutions on Burma in the UN General Assembly, as we did the European Union's resolution last year, as well as in other international bodies.

Upon stepping down, former Special UN Envoy Razali stated that: "The longer the regime is obdurate, and the more people hear about the problems from within, and if ASEAN cannot make an impact or influence, then one way or another it leads to the Security Council." We believe that it is important for Secretary General Annan to name another Special Envoy and to give the Envoy a broader mandate. In addition to providing the Secretary General's "good offices," the mandate should encompass coordination with the world community, including regional governments and organizations and NGOs, in order to forge broad international support for pressing the Burmese regime to change. The mandate also should require access to the regime and leading opposition figures, including those currently detained.

Greater international involvement is essential to forging a stronger consensus on steps the Burmese regime must take to address these urgent concerns. The regime must immediately and unconditionally release Aung San Suu Kyi and all other political prisoners, initiate a credible and inclusive political process, grant access for UN representatives, and lift restrictions on UN agencies and NGOs providing humanitarian relief.

Secretary Rice and other senior state department officials will continue to make clear to allies and friends in the region and around the globe the United States' strong view that there should be no business as usual with Burma under the present appalling circumstances.

Meanwhile, with crucial support from the Congress, we continue to fund innovative programs to further the objectives of *The Burmese Freedom and Democracy Act*. This far-reaching legislation stands as a testament to the joint resolve of the Congress and the Administration to work together for human rights and peaceful change in Burma, and I look forward to continued close coordination of our efforts.

The Bureau of Democracy, Human Rights and Labor (DRL) administers key Burma programs through the National Endowment for Democracy (NED). Since fiscal year 2000, NED has received over \$16 million to focus on democracy and human rights activities, including capacity building for NGOs in exile and the collection of information on human rights. In fact, most of the information that we have on human rights violations inside Burma comes from first-hand victim accounts collected by democracy NGOs that we fund. This funding also includes \$650,000 for training a new generation of Burmese journalists and media professionals. Our efforts in this area are given added meaning in light of the recent statement by Reporters Without Borders and the Burma Media Association (BMA) that the regime has now censored two privately-owned weeklies, and has also refused conditional release for Than Win Hlaing, a prominent journalist who is very ill after spending six years in prison.

Since 2002, DRL has also provided \$325,000 in scholarship grants that have helped send more than 200 Burmese students to universities around the world for higher education and advanced degrees in preparation for their future role as leaders in a free Burma. This scholarship program will continue through 2006. This type of program is critical in light of the practically non-existent system of education in Burma and the tight restrictions imposed on both teachers and students.

The current fiscal year's funding for Burma-related activities is \$8 million. DRL and the Bureau of East Asia Pacific (EAP) administer \$4 million, which is used for democracy and human rights promotion. The U.S. Agency for International Development (USAID) administers the other \$4 million, which is programmed through NGOs for humanitarian assistance.

And finally, we will continue to monitor and annually report on human rights in Burma, and describe our efforts to support human rights and democracy there. I am pleased you have invited both Bo Kyi from AAPP and Naw Win Yee from the Shan Women's Action Network (SWAN) to testify this afternoon. We rely on the valuable contributions of information and insight from these and other brave exile groups, and I am proud that through U.S. support, they are able to sustain their noble work. Members of AAPP are all former political prisoners, and they risk everything to document the plight of their colleagues inside Burma. Last November, I had the honor to meet with Charm Tong of SWAN after she met with President Bush. Charm

Tong gave a moving account of the horrors Shan and other ethnic minority women experience on a daily basis, yet her courage and dedication give hope and inspiration to people across the globe.

As President Bush has said: “The people of Burma live in the darkness of tyranny – but the light of freedom shines in their hearts.”

Once, again, I would like to thank the Chairmen of both Committees for holding this hearing to train a spotlight on Burma. Our ability to quickly and appropriately respond when needs arise is critical, and we are constantly exploring new ways to be effective. I look forward to working closely with you and your colleagues to hasten the day when the people of Burma will live in freedom. This is the unwavering commitment of the Bush Administration and the United States Congress.

Now, I would be pleased to take any questions you may have.